**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Civil Writ Jurisdiction Case No.14015 of 2005**

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Smt.Nilima Rani & Ors

.... .... Petitioner/s

Versus

The State Of Bihar & Ors

.... .... Respondent/s

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

ORAL ORDER

WEB COPY

8 11-11-2013 **Re: I.A. No. 1578 of 2013**

This interlocutory application has been filed for substitution of respondent no. 2, namely, Shyam Sundar Prasad and respondent no. 9, namely, Rabindra Kumar Sinha, who died during the pendency of the writ proceedings, by their legal heirs named in paragraphs no. 3 and 4 respectively.

Pursuant to the notice issued by this Court on the interlocutory application to the proposed heirs of the deceased respondent no.2, namely, Shyam Sundar Prasad, named in paragraph-3 (b), (c) and (d), they have appeared through their counsel Mr. Dronacharya, advocate. It is stated by the learned counsel for the legal heirs that even the widow of Shyam Sundar Prasad (deceased respondent no. 2) has died. It is further stated by the learned counsel that they shall be filing vakalatnama on behalf of the daughters of respondent no. 2 also.

In so far as the deceased respondent no. 9, namely,

Rabindra Kumar Sinha is concerned, his widow Smt. Usha Sinha has since appeared through her counsel, Mrs. Mahasweta Chatterjee, who also submits that she shall be filing vakalatnama for the other legal heirs.

Since the widow of deceased respondent no. 2 has died on 6.4.2013, learned counsel for the petitioners is permitted to delete the name of Shanti Sinha, widow of deceased respondent no. 2, from the interlocutory application.

Let the name of deceased respondent no. 2, namely, Shyam Sundar Prasad be expunged and be replaced by the legal heirs named in paragraph-3 (b) to (f) and in a similar manner let name of deceased respondent no. 9, namely, Rabindra Kumar Sinha be expunged and be replaced by legal heirs named in paragraph-4.

In the circumstances, prayer made in the interlocutory application is allowed.

This interlocutory application stands disposed of.

**Re: C.W.J.C. No. 14015 of 2005**

The petitioners have questioned the order dated 1.12.2004 passed by the Collector, Khagaria, in Mutation Revision Case No. 2 of 2001-02 whereby he has set aside the concurrent findings of the subordinate statutory authority in exercise of

powers vested under the Bihar Tenants Holdings (Maintenance of Records) Act, 1973.

The dispute raised is amenable to the jurisdiction of the Bihar Land Tribunal constituted under Section 4 of the Bihar Land Tribunal Act, 2009 (hereinafter referred to as the 'Act') and the rules framed thereunder.

In view of the provisions of Section 9 and Section 15 of the Act read with Rule 5(6) of the Bihar Land Tribunal Rules, 2010, the records of the writ proceedings stand transferred/remitted to the Bihar Tribunal for adjudication.

The Registry is directed to transfer the records within four weeks from today.

**(Jyoti Saran, J)**

sudip/-